

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 23-3699-MWF(RAOx) Date: September 19, 2023

Title Myron Hale v. Fingerhut, et al.

Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge

Rita Sanchez
Deputy Clerk

Not Reported
Court Reporter / Recorder

Attorneys Present for Plaintiffs:
Not Present

Attorneys Present for Defendants:
Not Present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE

Plaintiff Myron Hale, proceeding pro se, filed the Complaint in this action on May 12, 2023. (Docket No. 1). On May 18, 2023, the Court filed a Self-Representation Order (Docket No. 8), which, among other things, directed Plaintiff to seek assistance from the Pro Se Clinic.

On August 11, 2023, Defendant Fingerhut filed its Answer to Complaint. (Docket No. 15). On August 14, 2023, the Court filed an Order Setting Scheduling Conference. (Docket No. 17). The parties' Joint Rule 26(f) Report was due September 5, 2023, and the Scheduling Conference was set for September 18, 2023.

By September 7, 2023, the parties' Joint Rule 26(f) Report had not been filed. The Court vacated the Scheduling Conference and ordered the parties to file the required report no later than September 18, 2023. (See Docket No. 18).

On September 18, 2023, Defendant Fingerhut filed a unilateral Rule 26(f) Report (the "Fingerhut Report"). (Docket No. 19). Defendant's counsel included his Declaration in which he discussed his efforts to meet and confer with Plaintiff regarding the Rule 26(f) Report.

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The Court now **ORDERS** Plaintiff to **SHOW CAUSE** in writing by no later than **OCTOBER 6, 2023** why this action should not be dismissed for lack of prosecution. In response, Plaintiff must file a statement setting forth his reasons for failing to participate in the preparation of the Rule 26(f) Report. In addition to Plaintiff's response to the Order to Show Cause (the "OSC"), Plaintiff may meet and confer with Defendant's counsel, and Plaintiff may file an amended Joint Rule 26(f) Report.

If Plaintiff timely responds to this OSC and if the Court deems the response satisfactory, the Court will set dates based on Defendant's unilateral Rule 26(f) Report (Docket No. 19), or, if filed, on the parties' Joint Rule 26(f) Report.

No oral argument on this matter will be heard unless otherwise ordered by the Court. *See* Fed. R. Civ. P. 78; Local Rule 7-15. The Order will stand submitted upon the filing of the response to the Order to Show Cause. Failure to respond to the Order to Show Cause by **October 6, 2023** will result in the dismissal of this action.

IT IS SO ORDERED.